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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,679	10/20/2001	Werner Haug	FE-16PCT	8228
7590 Friedrich Kueffner 317 Madison Avenue suite 910 New York, NY 10017			EXAMINER ELISCA, PIERRE E	
			ART UNIT 3621	PAPER NUMBER

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,679

Applicant(s)

HAUG, WERNER

Examiner

Pierre E. Elisca

Art Unit

3621

MEW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-14 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to Applicant's amendment, filed on 09/27/2004.
2. Claims 1-14 are pending.
3. The rejection to claims 1-7, and 10-14 under 35 U.S.C. 102 (e) as being anticipated by Fajour U.S. Pat. No. 6,390,577 as set forth in the Office action mailed 5/28/2004 is maintained.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
5. Claims 1-7 and 10-14 are rejected under 35 U.S.C. 102 (e) as being anticipated by Fajour (U.S. pat. No. 6,390,577).

As per claims 1, 2, 4-7 and 10-14 Fajour discloses a franking machine that includes an inkjet print head , a row of nozzles operated selectively to print a postal mark on a mail item passing under the print head, comprising:

Franking machine with at least one print head of an inkjet print mechanism for printing flat postal objects such as letters or postcards insertable into or passing through the machine, comprised of a guide part arranged so as to project about the print head and further relative to its jet opening plane, having correlated therewith a transport device for transporting the postal objects between it and oppositely positioned conveying rollers rotating about axes oriented transverse to the conveying direction, wherein the transport device has two drive rollers connected in driving connection with one another and forming together with the guide part a conveying path, which drive rollers, when viewed in the conveying direction, are arranged before and behind the print head, and has a counterpressure roller arranged opposite thereto, respectively, which exerts a pressure against one drive roller or the postal object transported therebetween and which is reversibly liftable, and comprising a device for maintaining, cleaning and servicing the print head, wherein, when the counterpressure rollers are lowered, a service slide, arranged on a guide arrangement so as to be drivingly movable transverse to the conveying direction of the postal objects, is moveable into a service position which is arranged underneath the print head (see., abstract, col 2, lines 16-67, col 3, lines 16-67, col 4, lines 1-67, col 5, lines 1-67).

As per claim 3, Falour discloses the claimed limitation wherein the service slide at its rear end is connected with an eccentric pin fastened to a control disk drivable about a vertical axis (see., col 2, lines 16-67, specifically control means).

Allowable Subject Matter

6. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

RESPONSE TO ARGUMENTS

7. Applicant's arguments filed on 09/27/2004 have been fully considered but they are not persuasive.

REMARKS

8. In response to Applicant's arguments, Applicant argues that the prior art of record (Fajour 577") fails to disclose the recited feature:

a. "a transport device that two drive roller" . However, the Examiner respectfully disagrees with this assertion since Fajour discloses in col 3, lines 33-45, specifically wherein said the mail items are moved across the plate 25 by rollers, belts and pressure rollers (not shown) that are conventional in themselves and form part of the franking.

b. "jet opening plane of the print head". As indicated above, it is believed that Fajour discloses this limitation in the abstract, col 1, lines 12-33, col 4, lines 32.

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

Primary Patent examiner

December 01, 2004